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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,015	09/29/2005	Keith Baker	NL 030337	9427
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EXAMINER NATNAEL, PAULO S M				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/551,015

**Applicant(s)**

BAKER, KEITH

**Examiner**

PAULOS M. NATNAEL

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-14 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 15, 16 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-083)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date: \_\_\_\_
- 6) ☐ Notice of Informal Patent Application
- 7) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Drawings*

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1 and 10 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,3-5 of U.S. Patent No. 7,319,468. Although the conflicting claims are not identical, they are not patentably distinct from each other because allowing the invention defined by claims 1 and 10 of the instant application would result in an unwarranted timewise extension of the monopoly defined by the invention of claims 1,3-5 of patent 7,319,468.

Considering claim 1, the claimed

a) a control system for receiving an input video stream, wherein the control system splits the video stream into a first and a second group of image components, and b) generating images created by the first group of image components, is met by the means for receiving a video stream representing a series of consecutive input images comprising a first image and second image, and to split the consecutive input images into respective first parts and respective second parts, claim 1, Pat. '468.

c) a projector system for projecting images created from the second group of image components onto the electronic paper screen, is met by the display device for displaying a series of consecutive output images which are based on the series of consecutive input images, claim 1, Pat. '468.

c) The Pat. '468 does not specifically disclose electronic paper screen. However, since such screen systems are well known in the art and the Pat. '468 discloses image display apparatus, claim 1 of the instant application is an obvious variant of the limitations disclosed in claims 1,3-5 of the Pat. '468.

Considering claim 10,

a) dividing an input video image into a first group of image components and a second group of image components; generating a first image on the electronic paper screen, using said first group of image components, is met by the means for receiving a video stream representing a series of consecutive input images comprising a first image and second image, and to split the consecutive input images into respective first parts and respective second parts, claim 1, Pat. '468.

b) projecting a second image onto the electronic paper screen, using said second group of image components, wherein the second image overlays the first image, is met by the display device for displaying a series of consecutive output images which are based on the series of consecutive input images, claim 1, Pat. '468.

c) The reference Pat. '468 does not specifically disclose electronic paper screen; however since such screen systems are well known in the art and the Pat. '468 discloses with the image display apparatus, claim 1 of the instant application is an obvious variant of the limitations disclosed in claims 1,3-5 of the Pat. '468.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4,7-14,17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill, U.S. Patent Application Pub. No. 20020036694 A1.

Considering claims 1 and 10, Merrill discloses a method and apparatus for the storage and retrieval of web-based educational materials, including the splitter 1402, Fig.14 corresponding to the claimed control system (301) for receiving an input video stream, wherein the control system splits the video stream into a first and a second group of image components; a server computer unit which is capable of projecting/displaying the image received from the splitter, corresponding to the claimed generating images created by the first group of image components; and, a projector 1302 (Fig.14) for projecting and displaying the other image data split at the splitter and send through the units 1403 and 1404 (Fig.14) which corresponds to the claimed projector system (302) for projecting images created from the second group of image components onto the electronic paper screen. Merrill does not specifically disclose electronic paper screen system. However, electronic paper screen systems are well known in the art of projection displays and it would have been therefore obvious to those with ordinary skill

in the art to modify the system of Merrill by providing an electronic paper screen system that is easily portable into desired space to create an improved image contrast.

Considering claims 2 and 11, see paragraph [0017] where it is disclosed alternatively, the control panel can be created in software and displayed as a video overlay on top of the projected image. This overlay technique is currently used on most video and/or data projectors to adjust contrast, brightness and other projector parameters. The software control panel can thus be toggled on and off and controlled by pressing buttons on the projector or through the use of a remote control which communicates with the projector using infrared or radio frequency data exchange.

Regarding claims 3 and 12, see paragraph [0131].

Considering claims 4-5 and 13-14, Merrill does not specifically disclose compensating the image before being projected. However, compensating for image clarity by filtering and/or amplifying and using other such methods is notoriously well known in the art and, therefore, it would have been obvious to those with ordinary skill in the art to modify the system of Merrill by providing a compensating/filtering/amplifying unit so that the image is enhanced or improved before it's displayed on the screen.

Considering claims 8-9, 17 and 18, Merrill does not specifically disclose generating a black bounding box around the image. However, again, black bounding box around the

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image is notoriously well known as in letter box displays and therefore, it would have been obvious to those with ordinary skill in the art to modify the system of Merrill by providing such a bounding box.

Regarding claim 19, see paragraph [0131] where Merrill discloses method of compressing the image and image components.

#### ***Allowable Subject Matter***

6. Claims **6-7 and 15-16, 20** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown et al. (U.S. 7,134,079) discloses a system and method for multiple screen electronic presentation.

Bass et al. (U.S. 5,956,180) disclose optical viewing system for asynchronous overlaid images.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAULO M. NATNAEL whose telephone number is (571)272-7354. The examiner can normally be reached on 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAULOS M. NATNAEL/  
Primary Examiner, Art Unit 2622

June 22, 2008